

**IN THE UNITED DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Case No. CR 17-246-D

NNAMDI FRANKLIN OJIMBA,)

Defendant.)

ORDER

Before the Court is the Plaintiff's Motion to Correct Judgment [Doc. No. 123]. Plaintiff seeks to correct the Judgment entered on July 10, 2020 [Doc. No. 119]. The Court sentenced Defendant to a term of 102 months in prison and ordered him to pay \$3,428,302.79 in restitution. The Judgment, however, failed to reference the forfeiture order. For reasons discussed herein, the instant Motion is **GRANTED**.

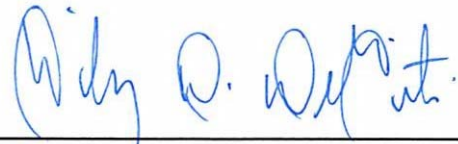
Under FED. R. CRIM. P. 32.2(b)(4)(B), the Court must "include the forfeiture order, directly or by reference, in the judgment, but the [C]ourt's failure to do so may be corrected at any time under Rule 36." FED. R. CRIM. P. 36 provides that "[a]fter giving any notice it considers appropriate, the [C]ourt may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from an oversight or omission."

Defendant was given proper notice of the forfeiture by the Order of Forfeiture and Imposition of Forfeiture Judgment [Doc. No. 106]. That Order stated that the United States had filed a Motion for an Order of Forfeiture "consist[ing] of a personal money

judgment against Defendant in the amount of \$4,678,302.79.” Order [Doc. No. 106] at 1. The Order also provided that “the sum of \$4,678,302.79 in United States currency is hereby condemned and forfeited to the United States of America” *Id.* at 2. The Judgment lists the Defendant’s criminal penalties as (1) restitution in the amount of \$3,428,302.79, and (2) a \$100.00 assessment [Doc. No. 119]. It makes no mention of the forfeiture order.

In light of FED. R. CRIM. P. 32.2(b)(4)(B) and 36, the Judgment shall be amended to include the \$4,678,302.79 money judgment forfeiture ordered by the Court on November 7, 2019, and entered accordingly.

IT IS SO ORDERED this 5th day of October, 2020.



TIMOTHY D. DeGIUSTI
Chief United States District Judge